

2

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS,

Complainant,

v.

THE CIRCLE GROUP,

Respondent.

CASE NO. OSH 2006-23

ORDER NO. 212

PRETRIAL ORDER

PRETRIAL ORDER

Pursuant to the initial conference in this matter held by conference call by the Hawaii Labor Relations Board ("Board") on October 12, 2006, and attended by J. Gerard Lam, Deputy Attorney General, for Complainant and Scott Degraff and Mike Dominici, representatives for Respondent, by telephone, IT IS HEREBY ORDERED THAT:

1. The issues to be determined at trial are:
 - (a) Whether Respondent violated 29 CFR 1926.405(b)(1) as alleged in Citation 1, Item 1;
 - (b) Whether Respondent knew or should have known about the alleged violative condition at the time of the inspection; and
 - (c) If 29 CFR 1926.405(b)(1) was violated as alleged, whether the characterization of the violation as "Serious" is appropriate and if not, what is the appropriate characterization.

2. Discovery and other deadlines are:

Identification of unnamed and live
witnesses

November 21, 2006

Discovery cutoff

December 12, 2006

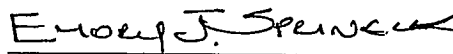
3. The trial is scheduled in this matter on February 6, 2007 at 9:30 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii. The trial will continue from day-to-day until completed.
4. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, October 12, 2006.

HAWAII LABOR RELATIONS BOARD



BRIAN K. NAKAMURA, Chair



EMORY J. SPRINGER, Member



SARAH R. HIRAKAMI, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees, if any, at least five working days prior to the trial date.

Copies sent to:

J. Gerard Lam, Deputy Attorney General
Scott Degraff